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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

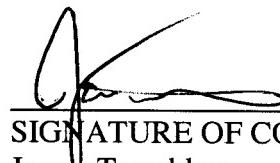
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UNITED STATES OF AMERICA,) Magistrate Docket No.
 Plaintiff,)
 v.)
Francisco Javier MEDINA-Rojas,) 07 MJ 2320
 Defendant) COMPLAINT FOR VIOLATION OF: PM
) DEPUTY
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)

The undersigned complainant, being duly sworn, states:

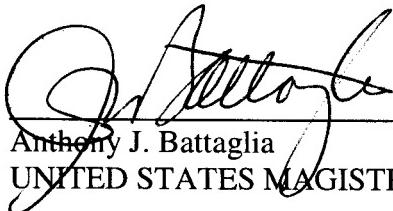
On or about **September 24, 2007** within the Southern District of California, defendant, **Francisco Javier MEDINA-Rojas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF SEPTEMBER, 2007



Anthony J. Battaglia
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Francisco Javier MEDINA-Rojas

MJP

PROBABLE CAUSE STATEMENT

On September 24, 2007 at approximately 2:15 P.M., Senior Border Patrol Agent V. Arguello, was performing line watch operations in the Imperial Beach Border Patrol area of operations. Agent Arguello was advised via service radio of a seismic intrusion device activation in an area known as Whiskey 10. This area is approximately three miles West of the San Ysidro, California Port of Entry and approximately 100 yards North of the U.S. / Mexico International Boundary Fence. Agent Arguello responded to the area and encountered three individuals on a hillside, attempting to conceal themselves in dense brush. Agent Arguello identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship and nationality. One of the individuals, later identified as the defendant **Francisco Javier MEDINA-Rojas** admitted to being a citizen and national of Mexico, illegally present in the United States without any immigration documents that would allow him to enter or remain here legally. The defendant and the others were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 27, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.